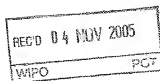


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 010555WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US02/40973	International filing date (day/month/year) 19 December 2002 (19.12.2002)	Priority date (day/month/year) 21 December 2001 (21.12.2001)
International Patent Classification (IPC) or national classification and IPC IPC(7): H04Q 7/20 and US CL.: 455/517,518,519,520,521		
Applicant: QUALCOMM, INCORPORATED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18 July 2003 (18.07.2003)	Date of completion of this report 26 September 2003 (26.09.2003)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	Authorized officer M. Perez <i>Ramon S. Wood</i>
Facsimile No. (571) 273-8300	Telephone No. (571) 272-7885

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-16 _____ as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- ☒ the claims:
pages 17-21 _____, as originally filed
pages NONE _____, as amended (together with any statement) under Article 19
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- ☒ the drawings:
pages 1-2 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US02/40973**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>NONE</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

Claims 1-34 lack an inventive step under PCT Article 33(3) as being obvious over Lyrk (Lyrk, Charles N; EP Application No.: 321,672 A2) in view of Stevens (Stevens, Robert David; GB Pub. No.: 2,336,975 A).

Regarding claims 1, 12, 13, 20, 26, 27, 33 and 34, Lyrk teaches of a method, device, wireless transmitter, processor and controller (figures 2 and 3; items 21, 47 and 35, respectively; abstract, lines 1-2) comprising: transmitting and receiving a request for access to a broadcast link in a point-to-multipoint communication system (column 5, line 35-38, column 2, lines 47-54 and figure 1; abstract, lines 1-8; e.g., "dispatch service"); transmitting audio with the access request (columns 3 and 6, lines 44-47 and 43-47; abstract, where "a trunk radio subscriber requesting dispatch...immediately begins to speak...").

Lyrk does not teach of terminating the audio transmission in the event the access request is denied and of a computer-readable medium carrying instructions.

In related art concerning a mobile radio system that supports group calls, Stevens teaches of terminating the audio transmission in the event the access request is denied (page 4, lines 1-3) and of a computer-readable medium carrying instructions that causes the processor, in a network equipment and device, to perform the method described (pages 11 and 12, lines 43-37 and 1-14, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Lyrk's access request method with Stevens' s terminating the audio transmission when access request is denied in order to transmit information only to the channels available in order to avoid connection delays. Also, Stevens' s computer readable-medium provide the means to implement Lyrk' s access request method.

Regarding claims 2, 14 and 21, Lyrk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lyrk also teaches where transmitting audio includes transmitting the audio immediately following transmission of the access request (column 6, lines 43-47).

Regarding claims 3, 15 and 22, Lyrk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lyrk also teaches where transmitting audio includes transmitting the audio before receiving an acknowledgement that the access request is granted (page 5, columns 41-44).

Regarding claims 4, 16 and 23, Lyrk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lyrk further teaches where transmitting audio includes transmitting the audio without receiving an acknowledgement that the access request is granted (column 7, lines 5-8; where the audio is transmitted before an acknowledgement is received).

Regarding claims 5, 17, 24 and 30, Lyrk in view of Stevens teaches all the limitations of claims 1, 12 and 20. Lyrk further teaches where at least a portion of the audio transmission serves as the access request (column 7, lines 5-8; where a portion of the audio transmission as served as access request).

Regarding claim 6, Lyrk and Stevens teach all the limitations of claim 1. Lyrk further teaches comprising receiving an acknowledgement that the access request is granted during transmission of the audio (column 6, lines 44-54).

Regarding claim 7, Lyrk and Stevens teach all the limitations of claim 1. Lyrk further teaches of receiving the denial of the access request from an arbitration controller (column 7, lines 49-53).

Regarding claims 8 and 25, Lyrk and Stevens teach all the limitations of claims 1 and 20. Lyrk further teaches transmitting

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US02/40973

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

the audio to the broadcast link via wireless network equipment (column 3, lines 43-47; e.g., "radio").

Regarding claims 9 and 18, Lyuk and Stevens teach all the limitations of claims 1 and 12. Lyuk further teaches of receiving the denial of the access request from a wireless communication device in the system via a wireless base station (column 7, line 49-52; figure 1, item 10).

Regarding claims 10 and 19, Lyuk and Stevens teach all the limitations of claims 1 and 12. Lyuk further teaches of generating the denial of the access request within a wireless communication device that presently has access to the broadcast link (column 7, lines 49-52).

Regarding claims 11 and 31, Lyuk and Stevens teach all the limitations of claims 1 and 26. Lyuk further teaches of transmitting the access request in response to activation of a push-to-talk input medium associated with a wireless communication device (column 5, lines 20-24).

Regarding claim 28, Lyuk and Stevens teach all the limitations of claim 26. Lyuk further teaches where the processor directs transmission of an indication that the access request is granted or denied (column 6, lines 52-54 and column 7, lines 49-52, 29).

Regarding claim 29, Lyuk and Stevens teach all the limitations of claim 26. Lyuk further teaches where the transmitter transmits an indication that the access request is granted or denied (column 6, lines 52-54 and column 7, lines 49-52).

Regarding claim 32, Lyuk and Stevens teach all the limitations of claim 26. Stevens further teaches where the processor resides within a network server in a wide area network associated with network equipment in the point-to-multipoint communication system (where figure 1 represents a WAN).

Regarding claim 33, Lyuk teaches of a method comprising: transmitting a request for access to a broadcast link in a point-to-multipoint communication system from a wireless communication device (column 5, line 35-38, column 2, lines 47-54 and figure 1; abstract, lines 1-8; e.g., "a trunked radio subscriber requesting dispatch service transmits a request for a channel..."); Stevens teaches of receiving audio from a user of the wireless communication device, (pages 5 and 6, lines 37 and 1-12, respectively; where the previous art indicates that audio, along with the access request, has been transmitted to the base station, from the mobile unit e.g., "the contents of the call may be stored as a message at an intermediate point in the radio communication network. For example, ...at the base stations..."; where for the content to be stored at the BS, it needs to be transmitted first, from the MU); transmitting the audio from the wireless communication device before receiving an acknowledgment that the access request is granted (pages 5 and 6, lines 37 and 1-12, respectively; where the previous art indicates that audio, along with the access request, has been transmitted to the base station, from the mobile unit e.g., "the contents of the call may be stored as a message at an intermediate point in the radio communication network. For example, ...at the base stations..."; where for the content to be stored at the BS, it needs to be transmitted first, from the MU. Also, transmission request and information is sent before units are available to receive the call; thus, no received acknowledgement); and terminating the audio transmission if a denial of the access request is received (page 4, lines 1-3; e.g., "refusing to connect" corresponding to denial access request; thus, halting transmission).

Regarding claim 36, Lyuk and Stevens teach all the limitations of claim 35. Stevens further teaches where at least a portion of the audio transmission serves as the access request (columns 5 and 6, lines 37 and 12; where the call message has been sent from the mobile station to the base station and broadly interpreted, a portion of it serves as the access request).

----- NEW CITATIONS -----

NONE